

HOUSE JOURNAL

SEVENTY-FIFTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTIETH DAY — MONDAY, APRIL 28, 1997

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 245).

Present — Mr. Speaker; Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Absent, Excused — Talton; Telford; Thompson.

The invocation was offered by Henry Marine, pastor, Mount Carmel Church of God in Christ, Sherman, as follows:

Father, it is once again, we come boldly before your throne of grace and we give you thanks for your majesty, and your love for us and for this day that you have made to demonstrate your power through us.

We praise you that you have touched so many of us today to arise unto this day with health and strength that we will accomplish the task that you called us to.

Now, I ask that you would bless the governor and all his cabinet and the senators and the representatives and the entire legislative process.

We pray for the finances of this state because no entity can operate without proper finances. You said in your word that it is you that gives us power to get wealth that your covenant may be established and because of your inheritance that you have provided to me, I take authority over every obstacle that comes against the legislative process to hinder its purpose and I command it in the name of Jesus to get out of the way and, as in the words of Isaiah the Prophet, "That no weapon formed against us shall prosper."

Now, Father in the name of Jesus, I give you thanks for this opportunity provided to me in Jesus' name. Amen.

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for today because of important business:

Telford on motion of Cuellar.

The following member was granted leave of absence temporarily for today because of important business:

Thompson on motion of Cuellar.

The following member was granted leave of absence for today because of important business in the district:

Talton on motion of Shields.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 42).

HCR 59 - ADOPTED

(by R. Lewis)

Representative R. Lewis moved to suspend all necessary rules to take up and consider at this time **HCR 59**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HCR 59, In memory of Ottis "Bo" Lewis.

HCR 59 was read and was unanimously adopted by a rising vote.

On motion of Representative Brimer, the names of all the members of the house were added to **HCR 59** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative R. Lewis, who spoke of his father and introduced members of the Lewis family: Mr. Ottis Lewis' wife Ethel; his brother-in-law Reed Smith; his sister-in-law Betty Smith; his son Mike; his daughter-in-law Debra; his daughters Sharon McMullen and Brenda Roden; and his granddaughter Taylor.

CAPITOL PHYSICIAN

The speaker recognized Representatives Cuellar, Siebert, and King who presented Dr. Lester Lang of Laredo as the "Doctor for the Day."

The house welcomed Dr. Lang and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

HR 672 - ADOPTED
(by Hunter)

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HR 672**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 672, Congratulating Earl Williams on being named "Small Business Person of the Year" by the Abilene Chamber of Commerce.

HR 672 was adopted without objection.

(Thompson now present)

HR 747 - ADOPTED
(by Palmer)

Representative Palmer moved to suspend all necessary rules to take up and consider at this time **HR 747**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 747, Congratulating Robert L. Dow and the employees of Silver Creek Materials Recycling and Compost, Inc., on the company's receipt of a 1997 Governor's Award for Environmental Excellence.

HR 747 was adopted without objection.

HR 671 - ADOPTED
(by Palmer)

Representative Palmer moved to suspend all necessary rules to take up and consider at this time **HR 671**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 671, Welcoming the Azle Camp Fire Boys and Girls to the Capitol on April 28, 1997.

HR 671 was read and was adopted without objection.

HR 713 - ADOPTED
(by Dutton)

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 713**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 713, Recognizing April 28, 1997, as Kappa Alpha Psi Fraternity Legislative Day at the Capitol.

HR 713 was read and was adopted without objection.

HR 749 - ADOPTED
(by Yarbrough)

Representative Yarbrough moved to suspend all necessary rules to take up and consider at this time **HR 749**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 749, Congratulating Robert Franks on attaining the rank of Eagle Scout.

HR 749 was adopted without objection.

BILLS AND JOINT RESOLUTIONS ON FIRST READING
AND REFERRAL TO COMMITTEES
RESOLUTIONS REFERRED TO COMMITTEES

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

POSTPONED BUSINESS

The following bills and resolutions were laid before the house as postponed business:

SB 1386 ON SECOND READING
(Hunter - House Sponsor)

SB 1386, A bill to be entitled An Act relating to title to materials and equipment in the state library system.

SB 1386 was considered in lieu of **HB 2131**.

SB 1386 was read second time and was passed to third reading.

HB 2131 - LAID ON THE TABLE SUBJECT TO CALL

Representative Hunter moved to lay **HB 2131** on the table subject to call.

The motion prevailed without objection.

SJR 19 ON SECOND READING
(Gallego - House Sponsor)

SJR 19, A joint resolution proposing a constitutional amendment relating to the place at which the Supreme Court of Texas sits to transact business.

SJR 19 was considered in lieu of **HJR 62**.

SJR 19 was read second time.

A record vote was requested.

SJR 19 was adopted by (Record 246): 112 Yeas, 31 Nays, 1 Present, not voting.

Yeas — Alexander; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Clark; Coleman; Cook; Counts; Craddick;

Cuellar; Culberson; Davila; Davis; Delisi; Dukes; Dunnam; Edwards; Ehrhardt; Eiland; Farrar; Finnell; Flores; Gallego; Garcia; Giddings; Glaze; Goodman; Goolsby; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Hernandez; Hightower; Hilbert; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Hunter; Janek; Jones, J.; Junell; Kamel; Keel; King; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Maxey; McCall; McClendon; McReynolds; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Patterson; Pickett; Pitts; Place; Price; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Solis; Solomons; Staples; Stiles; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Van de Putte; Walker; Williamson; Wise; Wolens; Woolley; Yarbrough; Zbranek.

Nays — Allen; Chisum; Christian; Corte; Crabb; Danburg; Denny; Driver; Dutton; Elkins; Galloway; Gray; Heflin; Hilderbran; Howard; Hupp; Isett; Jackson; Jones, D.; Keffer; Kubiak; Madden; Merritt; Moffat; Palmer; Rabuck; Swinford; Uher; West; Williams; Wohlgemuth.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Talton; Telford.

Absent — Marchant; Smithee; Wilson.

STATEMENT OF VOTE

I was shown voting yes on Record No. 246. I intended to vote no.

Nixon

HJR 62 - LAID ON THE TABLE SUBJECT TO CALL

Representative Gallego moved to lay **HJR 62** on the table subject to call.

The motion prevailed without objection.

SB 29 ON SECOND READING

(Goodman and Naishtat - House Sponsors)

SB 29, A bill to be entitled An Act relating to the implementation of the child support enforcement provisions of Title III of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996; providing penalties.

SB 29 was considered in lieu of **HB 3286**.

SB 29 was read second time.

Amendment No. 1

Representative Goodman offered the following amendment to **SB 29**:

Amend **SB 29** as follows:

(1) On page 17, line 16, amend SECTION 26, Section 157.319, Family Code, by inserting actual after the word "having" and before the word "notice".

(2) Add the following numbered section and renumber subsequent sections accordingly:

Section 157.320, Family Code, is amended to add a new subsection to read as follows:

(d) a lien created under this subchapter is subordinate to a vendor's lien retained in a conveyance to the obligor.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Goodman offered the following amendment to **SB 29**:

Amend **SB 29** as follows:

(1) In SECTION 21, Sec. 157.313, strike Subsection (a) and substitute the following:

(a) A child support lien notice must contain:

(1) the style, docket number, and identity of the tribunal of this or another state ~~[court]~~ having continuing jurisdiction of the child support action;

(2) the name, address, and, if available, the birth date, driver's license number, and social security of the obligor;

(3) the name and social security number, if available, of the obligee and the child;

(4) the amount of child support arrearages owed by the obligor and the date of the signing ~~[rendition]~~ of the court order, administrative order or ~~[issuance of the]~~ writ that determined the arrearages or the date and manner in which the arrearages were determined;

(5) the rate of interest specified in the court order, administrative order, or writ or, in the absence of a specified interest rate, the rate provided for by law ~~[Subchapter F]~~; ~~[and]~~

(6) the name and address of the person or agency asserting the lien; and

(7) the motor vehicle identification number as shown on the obligor's title if the property is a motor vehicle ~~[to whom the payment of the child support arrearages shall be made]~~.

(d) A claimant must file a notice for each after-acquired motor vehicle.

(2) Strike SECTION 23 and substitute the following new section:

SECTION 23. Section 157.316, Family Code, is amended to read as follows:

Sec. 157.316. Perfection of Child Support Lien.

(a) A child support lien is perfected ~~[attaches]~~ when an abstract of judgment for past due child support or a child support lien notice is filed with the county clerk as provided by this subchapter.

(b) If a lien established under this subchapter is attached to a motor vehicle, the lien must be perfected in the manner provided by Chapter 501, Transportation Code, and the court or Title IV-D agency that entered the order of child support shall include in the order a requirement that the obligor surrender to the court of Title IV-D agency evidence of current legal ownership of the motor vehicle against which a lien may attach. A lien against a motor vehicle as provided by this subchapter is not perfected until the obligor's title to the vehicle has been surrendered to the court or Title IV-D agency and the department has issued a subsequent title that discloses on its face that the fact that the vehicle is subject to a child support lien established as provided by this subchapter.

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Staples offered the following amendment to **SB 29**:

Amend **SB 29** as follows:

On Page 44, line 6, insert the following new Section, and renumber the subsequent sections appropriately:

SECTION 74. Subchapter B, Chapter 231, Family Code, is amended by adding a new Section 231.114, to read as follows:

Sec. 231.114. Non-Cooperation by Recipient of Public Assistance

(a) The failure of a person who is a recipient of public assistance under Chapter 31, Human Resources Code, to provide accurate information as required by Sec. 31.0315, Human Resources Code, shall serve as the basis of a determination by the Title IV-D agency that the person did not cooperate with the Title IV-D agency.

(b) The Title IV-D agency shall adopt rules establishing the actions or inactions of a recipient of public assistance which constitute non-cooperation with the Title IV-D agency.

(c) The rules adopted under this section shall consider in establishing the basis for a determination of non-cooperation by the Title IV-D agency:

(1) whether good cause exists for such non-cooperation;

(2) the failure of the person to disclose the name and location of alleged or probable father or parent of the child, if known by the person, at the time of application for public assistance or at any subsequent time; and

(3) the naming of a man as alleged father and the subsequent exclusion of the man by parentage testing provided that the person has previously named another man as the child's father.

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Van de Putte offered the following amendment to **SB 29**:

Amend **SB 29** by inserting the following appropriately numbered SECTION and renumbering the remaining SECTIONS of the bill accordingly.

SECTION _____. Article 3.96-8, Insurance Code, is amended to read as follows:

Art. 3.96-8. SERVICE AREA RESTRICTIONS PROHIBITED. (a) An insurer shall provide to a covered child who lives outside the insurer's service area and whose coverage under a policy or plan is required by a medical support order coverage that is similar to the coverage provided to other dependents under that policy or plan. For the purposes of this subsection, "similar coverage" may include coverage under which the insurer uses different procedures for service delivery, health care provider reimbursement, and payment by or on behalf of the covered child.

(b) The insurer may not enforce otherwise applicable provisions that would deny coverage[~~-, limit, or reduce payment for claims~~] for a covered child who lives outside the insurer's coverage territory but inside the United States.

(c) Unless a premium is unreasonable with respect to the coverage provided, or is discriminatory, excessive, or inadequate, the insurer may charge a different premium for similar coverage if the insurer computes the premium according to actuarial formulas or methods.

Amendment No. 4 was adopted without objection.

SB 29, as amended, was passed to third reading.

HB 3286 - LAID ON THE TABLE SUBJECT TO CALL

Representative Goodman moved to lay **HB 3286** on the table subject to call.

The motion prevailed without objection.

HB 2247 ON SECOND READING
(by Gray)

HB 2247, A bill to be entitled An Act relating to the liability of the operator of a railroad.

HB 2247 was read second time on April 21 and was postponed until 10 a.m. today.

Representative Gray moved to postpone consideration of **HB 2247** until 10 a.m. Monday, May 5.

The motion prevailed without objection.

CSHB 769 ON SECOND READING
(by Gallego)

CSHB 769, A bill to be entitled An Act relating to the treatment of repeat sex offenders.

CSHB 769 was read second time on April 21 and was postponed until 10 a.m. today.

Representative Gallego moved to postpone consideration of **CSHB 769** until 10 a.m. Friday, May 2.

The motion prevailed without objection.

MAJOR STATE CALENDAR
HOUSE BILLS
SECOND READING

The following bills were laid before the house and read second time:

HB 2119 ON SECOND READING
(by Bosse)

HB 2119, A bill to be entitled An Act relating to the continuation and functions of the Texas Commission on Alcohol and Drug Abuse; providing penalties.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Berlanga, Representative Bosse offered the following committee amendment to **HB 2119**:

Amend **HB 2119** to read as follows:

(1) On page 33, lines 2-4, at proposed Section 18A, Chapter 635, Acts of the 72nd Legislature, Regular Session, 1991 (Article 4512o, Vernon's Texas

Civil Statutes) of SECTION 16, strike Subsection (w) and substitute the following:

"(w) Costs and expenses incurred by the commission that are collected under this section shall be deposited in the state treasury to the credit of the special account that may be appropriated only to the commission."

(2) On page 33, line 5, at proposed Section 18A, Chapter 635, Acts of the 72nd Legislature, Regular Session, 1991 (Article 4512o, Vernon's Texas Civil Statutes) of SECTION 16, add the following:

"(x) Venue for and jurisdiction of any suit to collect any fees, fines, penalties, claims, debts or any other obligations owed to the commission is conferred exclusively upon the district courts in Travis County and none other."

Amendment No. 1 was adopted without objection.

Amendment No. 2 (Committee Amendment No. 2)

On behalf of Representative Berlanga, Representative Bosse offered the following committee amendment to **HB 2119**:

Amend **HB 2119** as follows:

(1) On page 2, line 20, after the word "state" strike "guidelines" and substitute "laws, rules, regulations, and instructions directly promulgated from those laws, rules, and regulations"

(2) On page 2, line 24, after the word "state" strike "guidelines" and substitute "laws, rules, regulations, and instructions directly promulgated from those laws, rules, and regulations"

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Krusee offered the following amendment to **HB 2119**:

Amend **HB 2119** as follows:

(1) On page 10, line 22, between "STANDARDS." and "In", insert "(a)".

(2) On page 11, between lines 4 and 5, insert:

(b) Contract goals, outputs, and outcomes must include a performance standard developed by the commission that is based on a percentage of program clients who maintain sobriety for at least one year.

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Hirschi offered the following amendment to **HB 2119**:

Amend **HB 2119** as follows:

On page 37 between lines 8 and 9, insert a new section to read as follows:

SECTION 21. In conjunction with the Sunset Commission's review of the Texas Department of Mental Health and Mental Retardation and the Texas Department of Health, the Commission shall make legislative recommendations as to whether those treatment programs should be continued under the jurisdiction of Texas Commission on Alcohol and Drug Abuse or under the jurisdiction of the Texas Department of Mental Health and Mental Retardation and the Texas Department of Health.

Amendment No. 4 was adopted without objection.

HB 2119, as amended, was passed to engrossment.

**CONSTITUTIONAL AMENDMENTS CALENDAR
HOUSE JOINT RESOLUTIONS
SECOND READING**

The following resolutions were laid before the house and read second time:

**HJR 83 ON SECOND READING
(by Gutierrez)**

HJR 83, A joint resolution proposing a constitutional amendment to allow the legislature to prescribe the qualifications of constables.

A record vote was requested.

HJR 83 was passed to engrossment by (Record 247): 83 Yeas, 60 Nays, 1 Present, not voting.

Yeas — Alexander; Alvarado; Bailey; Berlanga; Bosse; Brimer; Burnam; Carter; Chavez; Christian; Clark; Coleman; Cuellar; Danburg; Davila; Davis; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Farrar; Gallego; Galloway; Giddings; Glaze; Goolsby; Greenberg; Gutierrez; Haggerty; Hartnett; Hawley; Hernandez; Hightower; Hinojosa; Hirschi; Hochberg; Hodge; Hunter; Janek; Jones, D.; Jones, J.; Kamel; Keel; Keffer; Lewis, R.; Longoria; Luna; Marchant; Maxey; McClendon; McReynolds; Moreno; Mowery; Naishtat; Oakley; Oliveira; Olivo; Pickett; Place; Price; Puente; Rangel; Raymond; Reyna, A.; Rhodes; Roman; Sadler; Serna; Smith; Solis; Staples; Stiles; Thompson; Tillery; Torres; Turner, S.; Williamson; Wilson; Wise; Wolens; Yarbrough; Zbranek.

Nays — Allen; Averitt; Bonnen; Chisum; Cook; Corte; Counts; Crabb; Craddick; Culberson; Delisi; Denny; Driver; Eiland; Elkins; Finnell; Garcia; Goodman; Gray; Grusendorf; Hamric; Heflin; Hilbert; Hilderbran; Hill; Holzhauser; Horn; Howard; Hupp; Isett; Jackson; Junell; King; Krusee; Kubiak; Kuempel; Lewis, G.; Madden; McCall; Merritt; Moffat; Palmer; Patterson; Pitts; Rabuck; Ramsay; Reyna, E.; Seaman; Shields; Siebert; Solomons; Swinford; Turner, B.; Uher; Van de Putte; Walker; West; Williams; Wohlgemuth; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Talton; Telford.

Absent — Flores; Nixon; Smithee.

**GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING**

The following bills were laid before the house and read third time:

**HB 2914 ON THIRD READING
(by Stiles)**

HB 2914, A bill to be entitled An Act relating to the conveyance by the General Land Office of the state's interest in certain real property.

A record vote was requested.

HB 2914 was passed by (Record 248): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Solis; Solomons; Staples; Stiles; Swinford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranc.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Talton; Telford.

Absent — Nixon; Price; Rhodes; Smithee.

STATEMENT OF VOTE

When Record No. 248 was taken, I was in the house but away from my desk. I would have voted yes.

Rhodes

HB 3139 ON THIRD READING (by Brimer)

HB 3139, A bill to be entitled An Act relating to confidentiality of certain workers' compensation information.

Amendment No. 1

Representative Brimer offered the following amendment to **HB 3139**:

Amend **HB 3139** on Third Reading, in Section 3 of the bill, by striking "Section 407.0045" and "Sec. 407.0045" and substituting "Section 407.0445" and "Sec. 407.0445", respectively.

Amendment No. 1 was adopted without objection.

HB 3139, as amended, was passed.

HB 909 ON THIRD READING (by Dutton, et al.)

HB 909, A bill to be entitled An Act relating to amending certain provisions of the Insurance Code, concerning authorized investments of insurers, specifically, Articles 2.10, 3.33 and 21.39-B.

HB 909 was passed.

HB 43 ON THIRD READING
(by McCall)

HB 43, A bill to be entitled An Act relating to the impoundment of the motor vehicles of certain persons convicted of the offense of driving without a driver's license or while a driver's license is suspended or revoked.

Amendment No. 1

Representative Puente offered the following amendment to **HB 43**:

Amend **HB 43** on third reading by adding a new section to the bill, appropriately numbered, to read as follows, and renumbering subsequent sections of the bill appropriately:

SECTION _____. Sections 601.371(d) and (e), Transportation Code, are amended to read as follows:

(d) Except as provided by Subsection (e), an offense under this section is a Class C misdemeanor ~~[punishable by:~~

~~[(1) a fine of not less than \$100 or more than \$500; and~~

~~[(2) confinement in county jail for a term of not less than 72 hours or more than six months].~~

(e) If it is shown on the trial of an offense under this section that the person has previously been convicted of an offense under this section or under Section 521.457, the offense is punishable as a Class B ~~[A]~~ misdemeanor.

Amendment No. 1 was adopted without objection. (Hartnett recorded voting no)

HB 43, as amended, was passed. (Patterson recorded voting no)

HB 237 ON THIRD READING
(by Goolsby, et al.)

HB 237, A bill to be entitled An Act relating to the prosecution of failure to return public library property as theft of service.

HB 237 was passed. (Patterson recorded voting no)

HB 546 ON THIRD READING
(by Bosse)

HB 546, A bill to be entitled An Act relating to the civil liability of charitable organizations providing neighborhood crime prevention or patrol services.

HB 546 was passed.

HB 423 ON THIRD READING
(by Farrar, et al.)

HB 423, A bill to be entitled An Act relating to repair of motor vehicles covered under insurance policies and to civil remedies for unfair competition or practices in the business of insuring motor vehicles against damage.

HB 423 was passed.

HB 658 ON THIRD READING
(by Burnam, et al.)

HB 658, A bill to be entitled An Act relating to the county of residence of certain persons released on parole or to mandatory supervision after serving sentences for sexual offenses.

HB 658 was passed.

GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING

The following bills were laid before the house and read second time:

CSHB 1230 ON SECOND READING
(by Place)

CSHB 1230, A bill to be entitled An Act relating to the place of detention for juveniles in certain counties.

CSHB 1230 was passed to engrossment.

HB 330 ON SECOND READING
(by Danburg, Denny, Madden, and Ehrhardt)

HB 330, A bill to be entitled An Act relating to the form of the ballot and related procedures in connection with certain voters voting on an affidavit; providing criminal penalties.

HB 330 was passed to engrossment.

HB 3263 ON SECOND READING
(by Dutton)

HB 3263, A bill to be entitled An Act relating to the authorization of an interlocal agreement between taxing units that provides for the disposal of tax foreclosed property at less than market value.

HB 3263 was passed to engrossment.

HB 3038 ON SECOND READING
(by Woolley and Brimer)

HB 3038, A bill to be entitled An Act relating to medical review under the workers' compensation system.

Representative Woolley moved to postpone consideration of **HB 3038** until 10 a.m. Tuesday, April 29.

The motion prevailed without objection.

CSHB 3354 ON SECOND READING
(by Dukes and Brimer)

CSHB 3354, A bill to be entitled An Act relating to the operation of the Texas Workers' Compensation Insurance Fund.

CSHB 3354 was passed to engrossment.

CSHB 3522 ON SECOND READING
(by Rhodes and Brimer)

CSHB 3522, A bill to be entitled An Act relating to the administration and enforcement of the workers' compensation law; providing penalties.

Amendment No. 1

Representative Rhodes offered the following amendment to **CSHB 3522**:

Amend **CSHB 3522** by striking all below the enacting clause and substituting the following:

SECTION 1. Section 401.011(30), Labor Code, is amended to read as follows:

(30) "Maximum medical improvement" means the earlier of:

(A) the earliest date after which, based on reasonable medical probability, further material recovery from or lasting improvement to an injury can no longer reasonably be anticipated; ~~[or]~~

(B) the expiration of 104 weeks from the date on which income benefits begin to accrue; or

(C) the date determined as provided by Section 408.104.

SECTION 2. Section 402.011, Labor Code, is amended by amending Subsection (b) and adding Subsections (c) and (d) to read as follows:

(b) A member is entitled to reimbursement for actual lost wages, if any, for:

(1) [due to] attendance at commission meetings, not to exceed one day in each calendar quarter;

(2) preparation for a commission meeting, not to exceed two days in each calendar quarter;

(3) attendance at a subcommittee meeting, not to exceed one day each month;

(4) attendance by the chair or vice chair of the commission at a legislative committee meeting if attendance is requested by the committee chair; and

(5) attendance at a meeting by a member appointed to the Research and Oversight Council on Workers' Compensation or the Texas Certified Self-Insured Guarantee Association.

(c) Reimbursement under Subsection (b) [this subsection] may not exceed \$100 a day and \$12,000 a year.

(d) A member of the commission is entitled to reimbursement for actual and necessary expenses for attendance at not more than five seminars in a calendar year if:

(1) the member is invited as a representative of the commission to participate in a program offered at the seminar; and

(2) the member's participation is approved by the chair of the commission.

SECTION 3. Sections 403.002(a) and (b), Labor Code, are amended to read as follows:

(a) Each insurance carrier, other than a governmental entity, shall pay an annual maintenance tax to pay the costs of administering this subtitle and to support the prosecution of workers' compensation insurance fraud in this state.

(b) The assessment may not exceed an amount equal to two percent of the correctly reported gross workers' compensation insurance premiums. Out of this amount, and in addition to the amounts assessed to pay the costs of administration, an amount not to exceed one-tenth of one percent of correctly reported gross premiums shall be assessed annually to support the prosecution of workers' compensation insurance fraud.

SECTION 4. Section 403.003(a), Labor Code, is amended to read as follows:

(a) The commission shall set and certify to the comptroller the rate of maintenance tax assessment not later than October 31 of each year, taking into account:

(1) any expenditure projected as necessary for the commission to:

(A) administer this subtitle during the fiscal year for which the rate of assessment is set; and

(B) reimburse the general revenue fund as provided by Article 4.19, Insurance Code;

(2) projected employee benefits paid from general revenues;

(3) a surplus or deficit produced by the tax in the preceding year; [and]

(4) revenue recovered from other sources, including reappropriated receipts, grants, payments, fees, gifts, and penalties recovered under this subtitle; and

(5) expenditures projected as necessary to support the prosecution of workers' compensation insurance fraud.

SECTION 5. Subchapter F, Chapter 408, Labor Code, is amended by adding Section 408.104 to read as follows:

Sec. 408.104. MAXIMUM MEDICAL IMPROVEMENT AFTER SPINAL SURGERY. (a) On application by either the employee or the insurance carrier, the commission by order may extend the 104-week period described by Section 401.011(30)(B) if the employee has had spinal surgery, or has been approved for spinal surgery under Section 408.026 and commission rules, within 12 weeks before the expiration of the 104-week period. If an order is issued under this section, the order shall extend the statutory period for maximum medical improvement to a date certain, based on medical evidence presented to the commission.

(b) Either the employee or the insurance carrier may dispute an application for extension made under this section. A dispute under this subsection is subject to Chapter 410.

(c) The commission shall adopt rules to implement this section, including rules establishing procedures for requesting and disputing an extension.

SECTION 6. Section 407.103(a), Labor Code, is amended to read as follows:

(a) Each certified self-insurer shall pay a self-insurer maintenance tax for the administration of the commission and to support the prosecution of workers' compensation insurance fraud in this state. Not more than two percent of the total tax base of all certified self-insurers, as computed under Subsection (b), may be assessed for a maintenance tax under this section. Out of this amount, and in addition to the amounts assessed to pay the costs of administration, an amount not to exceed one-tenth of one percent of the total tax base of all

certified self-insurers shall be assessed annually to support the prosecution of workers' compensation insurance fraud.

SECTION 7. Section 409.042(b), Labor Code, is amended to read as follows:

(b) To be eligible for designation as an ombudsman, a person must:

(1) demonstrate satisfactory knowledge of the requirements of:

(A) this subtitle and the provisions of Subtitle C that relate to claims management;

(B) other laws relating to workers' compensation; and

(C) rules adopted under this subtitle and the laws described under Subdivision (1)(B);

(2) have demonstrated experience in handling and resolving problems for the general public;

(3) possess strong interpersonal skills; and

(4) have at least one year [~~three years~~] of demonstrated experience in the field of workers' compensation.

SECTION 8. Subchapter B, Chapter 415, Labor Code, is amended by adding Section 415.024 to read as follows:

Sec. 415.024. BREACH OF SETTLEMENT AGREEMENT: ADMINISTRATIVE VIOLATION. A breach of a settlement agreement that establishes a compliance plan is an administrative violation punishable by an administrative penalty not to exceed \$50,000. In determining the amount of the penalty, the commission shall consider the total volume of claims handled by the insurance carrier.

SECTION 9. (a) This Act takes effect September 1, 1997.

(b) The change in law made by Section 415.024, Labor Code, as added by this Act, applies only to a violation that occurs on or after the effective date of this Act. A violation that occurs before the effective date of this Act is governed by the law in effect on the date the violation occurred, and the former law is continued for that purpose.

(c) The change in law made by this Act applies only to a claim for workers' compensation benefits based on a compensable injury that occurs on or after the effective date of this Act. A claim based on a compensable injury that occurs before that date is governed by the law in effect on the date that the compensable injury occurred, and the former law is continued in effect for that purpose.

SECTION 10. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Amendment No. 1 was adopted without objection.

CSHB 3522, as amended, was passed to engrossment.

CSHB 3459 ON SECOND READING
(by Chisum)

CSHB 3459, A bill to be entitled An Act relating to environmental and health safety audits.

Amendment No. 1

Representative Bosse offered the following amendment to **CSHB 3459**:

Amend **CSHB 3459**, on page 2, between lines 26 and 27, by adding a new SECTION 3 to read as follows and appropriately renumbering subsequent sections of this bill:

"SECTION 3. Section 6(d), Texas Environmental, Health, and Safety Audit Privilege Act (Article 4447cc, Vernon's Texas Civil Statutes), is amended to read as follows:

(d) Information that is disclosed under Subsection (b)(3) of this section is confidential and is not subject to disclosure under chapter 552, Government Code. A public entity, public employee, or public official who discloses information in violation of this subsection is subject to any penalty provided in Chapter 552, Government Code. ~~[commits an offense. An offense under this subsection is a Class B misdemeanor. It is an affirmative defense to the clerical dissemination of a privileged audit report that the report was not clearly labeled "COMPLIANCE REPORT PRIVILEGED DOCUMENT" or words of similar import. The lack of labeling may not be raised as a defense if the entity, employee, or official knew or had reason to know that the document was a privileged audit report.]~~"

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Ehrhardt offered the following amendment to **CSHB 3459**:

Amend **CSHB 3459** by adding a new SECTION 4 to the bill to read as follows and appropriately renumbering subsequent sections of the bill:

SECTION 4. The Texas Environmental, Health, and Safety Audit Privilege Act (Article 4447cc, Vernon's Texas Civil Statutes) is amended by adding Section 8A to read as follows:

Sec. 8A. LIMITATION ON USE OF PRIVILEGE BY FEDERAL AGENCIES: The privilege provided in this law does not apply to facilities owned or operated by the federal government.

Representative Chisum moved to table Amendment No. 2.

The motion to table prevailed.

Amendment No. 3

Representative Puente offered the following amendment to **CSHB 3459**:

Amend **CSHB 3459** on page 4 by striking lines 5-11 and substituting the following:

(b) Notwithstanding the privilege created by this Act, a regulatory agency may request, obtain, copy, and review information that is required to be available under a specific state or federal law, but these actions of the regulatory agency do not waive or eliminate the administrative or civil evidentiary privilege for any other purpose ~~[On receipt of the audit report, the attorney representing the state shall seal the report and may not review or disclose the contents of the report].~~

Representative Uher moved to table Amendment No. 3.

The motion to table prevailed.

Amendment No. 4

Representative Puente offered the following amendment to **CSHB 3459**:

Amend **CSHB 3459**, SECTION 5, page 9 by adding the following words after word "events" on line 8:

or due to a continuous condition of violation

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business:

Janek on motion of Hightower.

CSHB 3459 - (consideration continued)

Representative Uher moved to table Amendment No. 4.

A record vote was requested.

The motion to table prevailed by (Record 249): 86 Yeas, 53 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bonnen; Brimer; Carter; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Culberson; Delisi; Denny; Driver; Eiland; Elkins; Finnell; Galloway; Goodman; Goolsby; Grusendorf; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Jones, D.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, R.; Madden; Marchant; McCall; Merritt; Moffat; Mowery; Nixon; Oakley; Palmer; Patterson; Pitts; Place; Rabuck; Ramsay; Reyna, E.; Rhodes; Roman; Seaman; Shields; Siebert; Smith; Smithee; Solomons; Staples; Stiles; Swinford; Turner, B.; Uher; Walker; West; Williams; Williamson; Wohlgemuth; Woolley.

Nays — Alvarado; Bailey; Berlanga; Bosse; Burnam; Chavez; Cuellar; Danburg; Davila; Davis; Dukes; Dunnam; Dutton; Edwards; Farrar; Flores; Gallego; Garcia; Glaze; Gray; Greenberg; Gutierrez; Hernandez; Hinojosa; Hirschi; Hochberg; Hodge; Jones, J.; Lewis, G.; Longoria; Luna; Maxey; McReynolds; Moreno; Naishtat; Olivo; Pickett; Puente; Rangel; Raymond; Reyna, A.; Sadler; Serna; Solis; Thompson; Tillery; Torres; Turner, S.; Van de Putte; Wilson; Wise; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Janek; Talton; Telford.

Absent — Ehrhardt; Giddings; McClendon; Oliveira; Price; Wolens.

STATEMENTS OF VOTE

When Record No. 249 was taken, my vote failed to register. I would have voted no.

Ehrhardt

When Record No. 249 was taken, my vote failed to register. I would have voted no.

McClendon

Amendment No. 5

Representative Puente offered the following amendment to **CSHB 3459**:

Amend **CSHB 3459**, on page 6, between lines 12 and 13, by adding a new SECTION 5 to the bill to read as follows and appropriately renumbering subsequent sections of the bill:

SECTION 5. The Texas Enviromental, Health, and Safety Audit Privilege Act (Article 4447cc, Vernon's Texas Civil Statutes) is amended by adding Section 9A to read as follows:

Sec. 9A. FALSE CLAIM OF PRIVILEGE: CIVIL AND CRIMINAL PENALTIES. (a) A person who claims the privilege for unprotected information as described by Section 8 of this Act is subject to a civil penalty of not less than \$500 or more than \$25,000 for each violation.

(b) A person commits an offense if the person claims the privilege for information the person knows to be unprotected information as described by Section 8 of this Act. An offense under this subsection is a Class B misdemeanor. A subsequent offense under this subsection is a felony of the third degree.

Amendment No. 5 was withdrawn.

CSHB 3459, as amended, was passed to engrossment.

MESSAGES FROM THE SENATE

Messages from the senate were received at this time (see the addendum to the daily journal, Messages from the Senate, Message Nos. 2 and 3).

HB 3062 ON SECOND READING

(by Hightower, Gutierrez, et al.)

HB 3062, A bill to be entitled An Act relating to comprehensive revisions to Subchapter B, Chapter 56, Code of Criminal Procedure, the Crime Victims' Compensation Act, and making an appropriation.

Amendment No. 1

Representative Hightower offered the following amendment to **HB 3062**:

Amend **HB 3062** as follows:

(1) On page 4, strike lines 26 and 27 and substitute the following:

"(7) "Immediate family member" means an individual who is related to [the father, mother, sister, brother, daughter, son, or spouse of] a victim within the second degree by affinity or consanguinity [including a stepparent or stepchild]."

(2) On page 5, strike lines 1-3.

(3) On page 5, strike lines 14-19 and substitute the following:

"(B) actual loss of past earnings and anticipated loss of future earnings because of:

(i) a disability resulting from the personal injury;

(ii) the receipt of medically indicated services related to the disability resulting from the personal injury; or

(iii) participation in or attendance at investigative, prosecutorial, or judicial processes related to the criminally injurious conduct;"

(4) On page 6, strike lines 5-27 and substitute the following:

(11) "Victim" means, except as provided by Subsection (c):

(A) an individual who:

(i) suffers personal injury or death as a result of criminally injurious conduct [~~directed at the individual~~] or as a result of actions taken by the individual as an intervenor, if the conduct or actions occurred in this state; and

(ii) is a resident of this state, another state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a possession or territory of the United States; [~~or~~]

(B) an individual who:

(i) suffers personal injury or death as a result of criminally injurious conduct [~~directed at the individual~~] or as a result of actions taken by the individual as an intervenor, if the conduct or actions occurred in a state or country that does not have a crime victims' compensation program that meets the requirements of Section 1403(b), Crime Victims Compensation Act of 1984 (42 U.S.C. Section 10602(b));

(ii) is a resident of this state; and

(iii) would be entitled to compensation under this subchapter if the criminally injurious conduct or actions had occurred in this state; or

(C) an individual who:

(i) suffers personal injury or death as a result of criminally injurious conduct caused by an act of international terrorism as defined by 18 U.S.C. Section 2331, committed outside of the United States; and

(ii) is a resident of this state.

(5) On page 7, strike lines 1-4.

(6) On page 9, lines 6 and 11, strike "(3)".

(7) On page 12, lines 11-12, strike ", or to a provider on their behalf" and substitute "or to a provider on the individual's behalf".

(8) On page 15, lines 1 and 7, strike "Subsections (i) and (h) of this section" and substitute "Subsections (h) and (i)".

(9) On page 16, lines 19-21, strike "an act(s) of mass violence or of international terrorism as defined in Section 2331 of title 18, United States Code," and substitute "an act of mass violence or from an act of international terrorism as defined by 18 U.S.C. Section 2331,".

(10) Strike SECTION 3 of the bill and renumber remaining SECTIONS of the bill accordingly.

Amendment No. 1 was adopted without objection.

Amendment No. 2 (Committee Amendment No. 1)

On behalf of Representative Dunnam, Representative Hightower offered the following committee amendment to **HB 3062**:

Amend **HB 3062** to read as follows:

On Page 1, line 4, strike from the bill caption ", and making an appropriation".

Amendment No. 2 was adopted without objection.

HB 3062, as amended, was passed to engrossment.

RULES SUSPENDED

Representative Smithee moved to suspend the 5-day posting rule to allow the Committee on Insurance to consider **HB 2097, HB 2814, and SB 258.**

The motion prevailed without objection.

Representative Wilson moved to suspend the 5-day posting rule to allow the Committee on Licensing and Administrative Procedures to consider **HB 744, HB 1538, HB 1563, HB 1779, HB 1922, HB 2181, HB 2342, HB 2459, HB 2493, HB 2806, HB 2896, HB 3081, HB 3371, SB 63, SB 191, SB 259, SB 432, SB 452, and SB 486.**

The motion prevailed without objection.

Representative Hilderbran moved to suspend the 5-day posting rule to allow the Committee on Human Services to consider **HB 2498, SB 57, SB 58, SB 59, SB 60, SB 262, SB 618, SB 725, SCR 14, and SCR 36.**

The motion prevailed without objection.

Representative R. Lewis moved to suspend the 5-day posting rule to allow the Committee on County Affairs to consider **SB 199, HJR 99, and HJR 112.**

The motion prevailed without objection.

Representative Goodman moved to suspend the 5-day posting rule to allow the Committee on Juvenile Justice and Family Issues to consider **SB 670 and SB 1161.**

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Public Education, on adjournment today, Desk 102.

Licensing and Administrative Procedures, 2 p.m. today, E2.016, Capitol Extension.

Public Safety, 3 p.m. today, E2.014, Capitol Extension, to consider pending business.

Insurance, 1:30 p.m. today.

Conference Committee on **HB 1**, 2:30 p.m. today, senate finance room.

Judicial Affairs, on adjournment today, Desk 67, to consider **HB 844, HB 1315, HB 1317, HB 2189, HB 2374, HB 2697, HB 2837, HB 3422, HB 3432, HB 3542, HB 3588, SB 20, SB 318, SB 646, SB 1012, and SB 1174.**

Financial Institutions, on adjournment today, Desk 27.

Corrections, on adjournment today, Desk 45, to consider pending bills.

General Investigating, 2 p.m. today, E2.030, Capitol Extension, to consider matters pertaining to the Board of Private Investigators and Security Agencies.

Calendars, 5 p.m. today, speakers committee room.

ADJOURNMENT

Representative Kuempel moved that the house adjourn until 10 a.m. tomorrow in memory of Ottis "Bo" Lewis, father of Representative R. Lewis.

The motion prevailed without objection.

The house accordingly, at 12:48 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HB 3598 (by Nixon), Relating to the powers of Harris County Improvement District No. 1; granting the power of eminent domain.

To County Affairs.

HCR 214 (by Flores), Designating Mission the Home of the Grapefruit. To State, Federal & International Relations.

HCR 215 (by Delisi), Directing the Health and Human Services Commission to implement cost-saving measures in the Medicaid prescription drug program.

To Public Health.

HCR 216 (by Edwards), Encouraging state agencies to convert all future building project documentation into electronic format.

To State Affairs.

HCR 217 (by Denny, Carter, Berlanga, Hochberg, et al.), Memorializing Congress to restore the federal income tax deductibility of state sales taxes.

To Ways & Means.

HCR 219 (by Gallego), In memory of United States Border Patrol Agent Jefferson Barr.

To Rules & Resolutions.

HR 677 (by Swinford), Requesting the Texas State Artist Committee to designate Carolyn Stallwitz as the Texas Artist of the Year in the category of two-dimensional media.

To House Administration.

HR 718 (by Cook), In memory of David Rudolph Wintermann.

To Rules & Resolutions.

HR 720 (by Gallego), Honoring Adalberto and Mary Padilla on the occasion of their 50th wedding anniversary.

To Rules & Resolutions.

HR 721 (by Gallego), In memory of Ray Morrison.
To Rules & Resolutions.

HR 722 (by Cook), Congratulating Dr. Raymond Thomas on his selection as Family Physician of the Year.
To Rules & Resolutions.

HR 723 (by Cook), Recognizing April 30, 1997, as Rural Health Care Day at the Capitol.
To Rules & Resolutions.

HR 725 (by Puente), Congratulating Rudy and Connie Rocha on the occasion of their 50th wedding anniversary.
To Rules & Resolutions.

HR 726 (by Puente), In memory of Janice Fay Kotzur.
To Rules & Resolutions.

HR 727 (by Puente), Congratulating Taco Hut of San Antonio on the opening of its new location.
To Rules & Resolutions.

HR 729 (by Pitts), In memory of Lynn and Dorothy Griffith.
To Rules & Resolutions.

HR 730 (by Nixon, Woolley, Jackson, Hamric, and Dutton), Honoring Jim Culberson.
To Rules & Resolutions.

HR 731 (by G. Lewis), Congratulating James M. Greer on his receipt of a scholarship from the National Achievement Scholarship Program for Outstanding Negro Students.
To Rules & Resolutions.

HR 732 (by G. Lewis and Giddings), Congratulating Royce G. Brooks on her receipt of a scholarship from the National Achievement Scholarship Program for Outstanding Negro Students.
To Rules & Resolutions.

HR 733 (by Merritt), Congratulating Fred and Ruby Crocker on the occasion of their 60th wedding anniversary.
To Rules & Resolutions.

HR 734 (by Merritt), Congratulating the LeTourneau University LadyJackets on winning the 1996-1997 NCCAA Basketball Championship.
To Rules & Resolutions.

HR 735 (by Merritt), Commending Kathryn Baney on her perfect SAT score.
To Rules & Resolutions.

HR 736 (by Merritt), Congratulating John and Vivian Connolly on their 50th wedding anniversary.
To Rules & Resolutions.

HR 737 (by Merritt), Recognizing the Texas National Guard's antidrug efforts.
To Rules & Resolutions.

HR 738 (by Merritt), Congratulating the students from White Oak High School on winning the 1997 District 16-3A Literary Meet.

To Rules & Resolutions.

HR 739 (by Merritt), In memory of Deanne Marie Dunbar Buchanan.

To Rules & Resolutions.

HR 740 (by Merritt), Designating Robert E. O'Malley an Honorary Texan.

To Rules & Resolutions.

HR 741 (by Kubiak), Congratulating the members of the Blinn College Buccaneers football team on achieving their second consecutive national junior college football championship.

To Rules & Resolutions.

HR 742 (by Serna), Honoring Laura Harring.

To Rules & Resolutions.

HR 743 (by Serna), Recognizing May 10, 1997, as El Paso NALC National Food Drive Day.

To Rules & Resolutions.

HR 744 (by Hawley), Congratulating Holly Wilkerson on her graduation from Gregory-Portland High

To Rules & Resolutions.

HR 745 (by McReynolds), Congratulating participants in the Lufkin High School Living Skills Program for winning the Governor's Award for Environmental Excellence.

To Rules & Resolutions.

HR 746 (by Davis, Hodge, J. Jones, Giddings), Honoring the Moorland YMCA on the occasion of its first annual gala.

To Rules & Resolutions.

SB 26 to Natural Resources.

SB 84 to Human Services.

SB 559 to Juvenile Justice & Family Issues.

SB 646 to Judicial Affairs.

SB 881 to Public Safety.

SB 921 to Natural Resources.

SB 975 to Public Health.

SB 1107 to Appropriations.

SB 1111 to Insurance.

SB 1234 to Public Health.

SB 1253 to Juvenile Justice & Family Issues.

SB 1277 to County Affairs.

SB 1292 to Insurance.

SB 1347 to Public Health.

SB 1403 to Human Services.

SB 1414 to Revenue & Public Education Funding, Select.

SB 1568 to Pensions & Investments.

SB 1613 to Ways & Means.

SB 1688 to State Affairs.

SB 1697 to Civil Practices.

SB 1739 to Ways & Means.

SB 1751 to State Affairs.

SB 1765 to Public Health.

SB 1776 to Higher Education.

SB 1843 to County Affairs.

SB 1879 to Natural Resources.

SB 1915 to State Affairs.

SB 1923 to Pensions & Investments.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 42

HB 834, HB 1092, HCR 36

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Monday, April 28, 1997

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 572 Fraser

Relating to the transfer of the University of Central Texas to The Texas A&M University System.

SB 658 Cain

Relating to the creation and dissolution of county development districts in certain counties.

SB 715 Barrientos

Relating to apportionment of the state into state senate districts.

SB 808 Ratliff

Relating to limiting the liability of certain persons involved in an issuance of securities by a small business.

SB 1105 Duncan

Relating to the liability of certain volunteer health care providers.

SB 1241 Zaffirini

Relating to the creation of the Faculty Enhancement Fund for Generalist Physicians.

SB 1249 Ellis

Relating to the sale of property for delinquent ad valorem taxes.

SB 1596 Ellis

Relating to ad valorem tax incentives for the development or redevelopment of certain property subject to a voluntary cleanup agreement.

SB 1622 Duncan

Relating to the creation of the Lubbock Reese Redevelopment Authority, granting the power of eminent domain.

SB 1665 Shapiro

Relating to the expansion of toll-free calling areas.

SB 1781 Ellis

Relating to delinquency charges in retail charge agreements.

SB 1848 Madla

Relating to optional county vehicle registration fees.

Respectfully,

Betty King
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas

Monday, April 28, 1997 - 2

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

LOCAL AND UNCONTESTED CALENDAR

HB 706 Cook SPONSOR: Armbrister
Relating to granting the Bastrop County Water Control and Improvement District No. 2 the powers and duties of a road district.

HB 1296 Clark SPONSOR: Haywood
Relating to the notice of a sale or an exchange of land by a political subdivision.

HB 1492 Hochberg SPONSOR: Ellis
Relating to the powers of a judge.

HB 1520 Berlanga SPONSOR: Harris
Relating to the protection and use of certain products, information, and technology of the Texas Department of Health.

SB 23 Brown
Relating to the boundaries, confirmation election, and taxing authority of the Clear Creek Watershed Regional Flood Control District.

SB 167 Harris
Relating to the offense of failing to pay the wages of an employee.

SB 322 Armbrister
Relating to the filing of a petition stating an essential need for operating a motor vehicle.

SB 478 Shapiro
Relating to the lease of space for a state agency from another governmental entity.

SB 703 Nelson
Relating to the consolidation of the fiscal and program audit functions of the Texas Department of Criminal Justice.

SB 773 Lindsay
Relating to restricting the use of designated lanes of certain highways.

SB 900 Gallegos
Relating to eligibility for, and payment of, benefits by certain public retirement systems for municipal employees.

SB 951 Ellis
Relating to the coordination of tenant services programs.

SB 1163 Zaffirini
Relating to information and training about Medicaid managed care.

SB 1164 Zaffirini
Relating to Medicaid managed care contract compliance.

SB 1165 Zaffirini
Relating to health care services under the state Medicaid program for children with special health care needs.

SB 1201 Lucio

Relating to authorizing the board of regents of The University of Texas System to acquire by purchase, exchange, gift, or otherwise certain properties to be used for campus expansion and university purposes in The University of Texas System.

SB 1227 Shapiro

Relating to the establishment of a comprehensive plan by a municipality.

SB 1245 Madla

Relating to laws regulating the distribution and dispensation of controlled substances and to the enforcement of those laws.

SB 1297 Cain

Relating to disciplinary procedures and peer review for certain medical practitioners; providing administrative penalties.

SB 1311 Moncrief

Relating to providing scholarships to students at institutions of higher education for certain out-of-state internship programs.

SB 1366 Ellis

Relating to the establishment of a recreational facility fee at Texas Southern University.

SB 1367 Ellis

Relating to the establishment of a medical services fee at Texas Southern University.

SB 1380 Ellis

Relating to the creation of an electronic state business daily to give notice before a state agency makes a procurement with a value that exceeds \$25,000.

SB 1390 Lindsay

Relating to siting of landfills.

SB 1391 Lindsay

Relating to establishing and maintaining a county road.

SB 1394 Lindsay

Relating to the authority of a municipality to require a building permit for construction and renovation work on county-owned buildings and facilities by certain counties.

SB 1412 Ellis

Relating to conduct requiring registration under the lobbying statute.

SB 1437 Wentworth

Relating to the exemption from and limitations on ad valorem taxes on the residence homestead of an elderly individual and the individual's surviving spouse and to the termination of that exemption if that homestead ceases to be the homestead of that elderly individual or surviving spouse.

SB 1439 Wentworth

Relating to the state's motor vehicle emissions inspection and maintenance program.

SB 1566 Cain

Relating to licensing regulations for physician assistants and acupuncturists; providing an administrative penalty.

SB 1607 Moncrief

Relating to the retention of certain medical records.

SB 1609 Whitmire

Relating to the administration of the Uniform Act for out-of-State probationer and parolee supervision.

SB 1610 Whitmire

Relating to the county jail work release program and to participation by certain inmates of the Texas Department of Criminal Justice, with the approval of a sheriff, in that program.

SB 1612 Whitmire

Relating to the disposition of proceeds from the sale of state-owned real property under the management of the Texas Department of Criminal Justice.

SB 1623 Duncan

Relating to the power of the Lubbock County Hospital District to provide facilities and hospital-related equipment, supplies, and services to Lubbock County for the use of the medical examiner's office.

SB 1699 Cain

Relating to the Texas State Board of Medical Examiners and the licensure of physicians; providing penalties.

SB 1715 Patterson, Jerry

Relating to required contents in a notice for the adoption of proposed rules by a state agency.

SB 1787 Cain

Relating to the restricted sale of wine for off-premises consumption by the holder of a winery permit in certain areas.

SB 1811 Nelson

Relating to energy conservation measures by institutions of higher education, including the financing of such measures.

SB 1831 Cain

Relating to sanitary facilities required on the premises of certain applicants for an alcoholic beverage license.

SB 1837 Ratliff

Relating to certain business documents filed and recorded with the secretary of state.

SB 1851 Armbrister

Relating to the violation of a rule of a national collegiate athletic association.

SB 1852 Armbrister

Relating to the creation and operation of the Texas Affordable Housing Task Force.

SB 1856 Wentworth

Relating to the inspection and maintenance of certain motor vehicles for air pollution control; providing criminal penalties.

SB 1911 Cain

Relating to inspection of, and public awareness concerning, interstate natural gas pipelines within the State of Texas.

SB 1912 Cain

Relating to inspection of, and public awareness concerning, interstate hazardous liquids pipelines within the State of Texas.

SB 1929 Armbrister

Relating to the disposal of certain solid waste and permits for disposal of that waste.

SCR 66 Brown

Supporting the implementation of the Texas Wetlands Conservation Plan.

Respectfully,

Betty King
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Monday, April 28, 1997 - 3

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 1152 Hartnett SPONSOR: Wentworth
Relating to the definition of statutory probate court.

HCR 59 Lewis, Ron SPONSOR: Harris
In memory of Ottis "Bo" Lewis.

HCR 61 Lewis, Glenn SPONSOR: Moncrief
Commemorating the 16th anniversary of B&B Publishing, Inc.

HCR 62 Lewis, Glenn SPONSOR: Moncrief
Commemorating the 125th anniversary of Forest Hill Presbyterian Church.

HCR 63 Lewis, Glenn SPONSOR: Moncrief
Honoring Dr. Raymond W. Barber, pastor of Worth Baptist Church of Fort Worth, on the occasion of his retirement.

HCR 162 Uher SPONSOR: Armbrister
Commending the South Texas Project.

Respectfully,

Betty King
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 25

Business & Industry - **HB 1156, SB 445, SB 505, SB 754, SB 1529, SB 1838**

Civil Practices - **HB 1265, HB 2169**

Corrections - **HB 819, HB 2153**

Elections - **HB 1001, HB 1400, HB 1627**

Environmental Regulation - **HB 1726, HB 3019, HB 3274**

Financial Institutions - **SB 1162**

Higher Education - **SB 338, SB 806, SB 850, SB 1038, SB 1044, SB 1219, SB 1826**

Insurance - **HB 1937, HB 2090, HB 2503**

Judicial Affairs - **HB 3572, SB 318**

Juvenile Justice & Family Issues - **HB 247, HB 863, HB 891, HB 1292, HB 1890, HB 2069**

Land & Resource Management - **HB 770, HB 2979, HB 3240, HB 3330, HB 3465**

Licensing & Administrative Procedures - **SB 541**

Natural Resources - **HB 3540, SB 327**

Public Education - **HB 318, HB 623, HB 836, HB 2839**

Public Health - **HB 1616, HB 2017, HB 3054**

State Recreational Resources - **HB 1941**

State, Federal & International Relations - **SB 352, SB 353**

Transportation - **HB 130, HB 685, HB 2681, HB 3543, HCR 202**

Ways & Means - **HB 137, HB 1515, HB 2929**

April 26

Licensing & Administrative Procedures - **HB 37, HB 2135, HB 2208**

ENGROSSED

April 25 - **HB 65, HB 587, HB 726, HB 826, HB 907, HB 1039, HB 1254, HB 1291, HB 1294, HB 1324, HB 1487, HB 1556, HB 1706, HB 1773, HB 1805, HB 1823, HB 1891, HB 1933, HB 1960, HB 1974, HB 1989, HB 2003, HB 2005, HB 2007, HB 2261, HB 2411, HB 2510, HB 2512, HB 2519, HB 2522, HB 2526, HB 2531, HB 2561, HB 2564, HB 2573, HB 2584, HB 2634, HB 2683, HB 2685, HB 2702, HB 2727, HB 2734, HB 2738, HB 2745, HB 2759, HB 2807, HB 2816, HB 2829, HB 2848, HB 2863, HB 2923, HB 2933, HB 3076, HB 3088, HB 3104, HB 3105, HB 3106, HB 3112, HB 3176, HB 3212, HB 3278, HB 3334, HB 3356, HB 3436, HB 3538, HB 3548, HB 3550, HB 3557, HB 3558, HB 3559**

April 26 - **HB 814, HB 917, HB 1138, HB 1345, HB 1367, HB 1407, HB 1614, HB 1632, HB 2080, HB 2179, HB 2215, HB 2445, HB 2528, HB 2801, HB 2830, HB 2847, HB 2858, HB 2866, HB 2871, HB 2951, HB 3077, HB 3231, HB 3443**

April 27 - **HB 4**

ENROLLED

April 25 - **HB 622, HB 649, HB 718, HB 1018, HB 1979, HB 2664, HCR 111**

April 26 - **HB 834, HB 1092, HCR 36**

SENT TO THE GOVERNOR

April 25 - **HB 718, HB 1018, HB 1979, HB 2664, HCR 111**

SIGNED BY THE GOVERNOR

April 25 - **HCR 25, HCR 77, HCR 99, HCR 101, HCR 112, HCR 192, HCR 198**